

## Message Text

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ORIGIN L-03

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FM SECSTATE WASHDC  
TO AMEMBASSY PORT MORESBY

UNCLAS STATE 274357

E.O. 11652: N/A

TAGS: EAIR, PP

SUBJECT: CIVAIR: PNG ACCESSION TO CIVAIR AGREEMENTS

REF: PORT MORESBY'S 1650

1. UNITED STATES GOVERNMENT AS DEPOSITARY FOR A NUMBER OF MULTILATERAL AGREEMENTS HAS CUSTOMARILY REQUIRED FORMAL NOTIFICATION OF SUCCESSION BY NEWLY INDEPENDENT STATES WHICH HAD UNTIL INDEPENDENCE BEEN INCLUDED IN RATIFICATION OR ACCESSION BY THE PARENT STATE.

2. HOWEVER, IN CASE OF ORGANIZATIONAL AGREEMENTS SUCH AS THE CONVENTION ON INTERNATIONAL CIVIL AVIATION AND THE CONVENTION OF THE WORLD METEOROLOGICAL ORGANIZATION, A NEW STATE MAY NOT SUCCEED BUT MUST ADHERE IN ITS OWN RIGHT.

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3. WITH REFERENCE TO REFTEL'S PARAGRAPH 2, PAPUA NEW GUINEA DEPOSITED A SPECIFIC NOTIFICATION OF ADHERENCE TO THE CONVENTION ON INTERNATIONAL CIVIL AVIATION ON DECEMBER 15, 1975; HAVING BECOME A MEMBER OF ICAO, PAPUA NEW GUINEA MAY NOW DEPOSIT NOTIFICATION OF SUCCESSION TO THE INTERNATIONAL AIR SERVICES TRANSIT AGREEMENT. PAPUA NEW GUINEA DEPOSITED SPECIFIC NOTIFICATIONS OF SUCCESSION

TO CONVENTION FOR THE SUPPRESSION OF UNLAWFUL ACTS

AGAINST THE SAFETY OF CIVIL AVIATION AND THE CONVENTION FOR THE SUPPRESSION OF UNLAWFUL SEIZURE OF AIRCRAFT ON DECEMBER 15, 1975. NOTE THAT FOOTNOTE TO THE LAST TWO AGREEMENTS IS TO A RESERVATION AND NOT TO SEPTEMBER 1975 DECLARATION.

4. WITH REFERENCE TO OTHER AGREEMENTS FOR WHICH US IS DEPOSITARY, PAPUA NEW GUINEA DEPOSITED INSTRUMENT OF ACCEPTANCE OF ARTICLES OF AGREEMENT OF IMF AND IBRD ON OCTOBER 9, 1975. ON DECEMBER 15, 1975 PAPUA NEW GUINEA DEPOSITED INSTRUMENT OF ACCESSION TO CONVENTION OF WMO.

5. IN THE CASE OF OTHER AGREEMENTS FOR WHICH UNITED STATES IS NOT DEPOSITARY, DEPARTMENT, IN PUBLISHING TREATIES IN FORCE, HAS TO DETERMINE AGREEMENT BY AGREEMENT WHETHER GENERAL STATEMENT MADE TO SECRETARY GENERAL IS ACCEPTABLE. TREATIES IN FORCE MAY BE CONSIDERED AS THE AUTHORITATIVE SOURCE OF PARTIES TO THOSE AGREEMENTS LISTED. IN THE ABSENCE OF A FOOTNOTE REFERENCE TO SEPTEMBER 1975 DECLARATION, IT MAY BE ASSUMED THAT PAPUA NEW GUINEA BECAME PARTY TO AGREEMENT CONCERNED EITHER BY DEPOSITING INSTRUMENT OF ADHERENCE OR ACCESSION IN ITS OWN RIGHT OR BY NOTIFICATION OF SUCCESSION.  
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6. WHERE THE LISTING OF PAPUA NEW GUINEA IS BASED ON THE 1975 DECLARATION TO THE SECRETARY-GENERAL WHICH HAS A FIVE YEAR DURATION, IT SHOULD BE NOTED THAT UNLESS A LATER DECLARATION IS MADE, THESE LISTING WILL BE DROPPED FROM TREATIES IN FORCE AFTER 1980.

7. TO ASSIST THE EMBASSY FURTHER IN UNDERSTANDING THE RATHER COMPLEX QUESTION OF SUCCESSION, THERE IS QUOTED BELOW A PARAGRAPH FROM THE 1975 VOLUME OF THE DIGEST OF UNITED STATES PRACTICE IN INTERNATIONAL LAW, CHAPTER 5, PAGE 272:

"WHILE THE DEPARTMENT OF STATE STRONGLY PREFERS TO RECEIVE FROM A NEWLY INDEPENDENT NATION A STATEMENT OF ITS INTENTION TO BE BOUND BY A PARTICULAR MULTILATERAL TREATY BEFORE WE CONSIDER THAT NATION A PARTY TO SUCH TREATY, WE ARE GENERALLY PREPARED TO ACCEPT AS VALID EVIDENCE OF SUCCESSION GENERAL DECLARATIONS SUCH AS THOSE FREQUENTLY MADE TO THE UNITED NATIONS SECRETARY-GENERAL. THUS, WE ARE PREPARED TO LIST AS PARTIES TO MULTILATERAL AGREEMENTS STATES WHICH HAVE MADE SUCH GENERAL DECLARATIONS. THIS

WOULD NOT BE APPLICABLE, OF COURSE, IN CASES NECESSITATING

THE CONSENT OF ALL PARTIES TO THE AGREEMENT, OR CASES  
IN WHICH SUCH SUCCESSION WOULD BE INCOMPATIBLE WITH THE  
OBJECT AND PURPOSE OF THE AGREEMENT. IN ADDITION, WE  
EXAMINE THESE DECLARATIONS CLOSELY TO DETERMINE WHETHER  
THEY CONTAIN RESERVATIONS OR OTHER STATEMENTS, SUCH AS  
CLAUSES PERMITTING TERMINATION IN A FASHION NOT PERMITTED  
BY THE AGREEMENT, THAT MAY THEMSELVES BE INCOMPATIBLE  
WITH THE OBJECT AND PURPOSE OF THE AGREEMENT." VANCE

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## Message Attributes

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**Review Markings:**  
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